

### **REMARKS**

The Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action that was mailed December 24, 2008. As indicated in the Examiner's Interview Summary, which was mailed January 28, 2009, **the indication that the Office Action was final is premature.** Correction of the record is respectfully requested. The implied acknowledgement of the persuasiveness of the arguments presented in Applicants' Amendment B, by the reliance of the Office on new grounds of rejection is noted. All of the rejections are respectfully traversed. Amendment, re-examination and reconsideration of the application are respectfully requested.

### **The Office Action**

In the Office Action that was mailed December 24, 2008:

**claims 1-30** were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0053612 by Henrikson et al. ("Henrikson") in view of U.S. Patent No. 5,631,904 to Fitser et al. ("Fitser").

### **Telephone Interview Summary**

While nothing of substance was discussed, the Examiner's Interview Summary nevertheless includes a paragraph indicating that the written reply to the last Office Action must include the substance of the interview and does not include the "summary of record of interview requirements" on a reversed side or attached sheet. Accordingly, in an abundance of caution, the following is submitted.

On January 13, 2009, Mr. Thomas Tillander, one of the representatives of the Applicants, telephone the Examiner and pointed out that new grounds of rejection were included in the Office Action, which were not necessitated by Applicants' amendment. For example, Mr. Tillander pointed out that **claim 1** was amended only to include subject matter that was previously recited in **claim 7**. Accordingly, if new grounds of rejection were required in regard to **claim 1**, it is only because the grounds of rejection applied to **claim 7** were recognized by the Office as being inadequate. The Examiner agreed that the Office Action should be non-final and indicated that the status would be changed in the Patent Application Information Retrieval system, and an Interview Summary would be issued after discussion with supervisory personnel.

After checking the Patent Application Information Retrieval system on January

20, 2009, Mr. Tillander left a message for the Examiner pointing out that the status of the Office Action had not been changed.

On January 21, 2009, the Examiner telephoned Mr. Tillander and asked to be reminded as to the reasoning as to why the Office Action should not have been made final. Mr. Tillander explained that the amendment to **claim 1** effectively placed original **claim 7** in independent form and in that sense, no new subject matter had been included in the claims. Accordingly, the new grounds of rejection presented in the present Office Action were not necessitated by Applicants' amendment. Since new grounds of rejection were presented, which were not necessitated by Applicants' amendment or by an Information Disclosure Statement submitted by the Applicants, the Office Action cannot be made final. The Examiner again agreed and issued an Interview Summary on January 28, 2009, indicating that the present Office Action is non-final.

#### **The Present Office Action Is Not Completely Responsive**

The present Office Action continues to allege that Henrikson discloses the particulars recited in many of the dependent claims. These allegations were presented in the previous Office Action and traversed in Applicants' Amendment B. Even though the present Office Action repeats those allegations, the present Office Action does not respond to the substance of those arguments. In this regard, it is noted that the MPEP at §707.07(f) indicates that where the Applicant traverses any rejection, the Examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it. The same section also indicates that the Examiner **must provide clear explanations** of all actions taken by the Examiner during the prosecution of an application.

For example, page 4 of the Office Action of June 13, 2008 asserts that Henrikson discloses the subject matter of **claims 9 and 10** and cites Fig. 4, item 408, in support of the assertion. The same assertions and citations are made on page 5 of the present application. However, page 12 of Applicants' Amendment B clearly points out that reference numeral 408 of Fig. 4 of Henrikson is associated with sending notification that conference time is approaching and does not disclose receiving conference call parameter information comprises receiving at least one of a proposed conference call time as recited in **claim 9** or comprises receiving a purpose regarding the conference call as recited in **claim 10**. The Office Action

does not respond to these arguments.

Accordingly, the Applicants have been denied an opportunity to better understand the position of the Office.

Page 4 of the June Office Action indicates that the assertion that Henrikson discloses the subject matter of page 12 is supported by paragraph 33 of Henrikson. A similar allegation is made at the bottom of page 5 of the present Office Action.

However, the assertion with regard to paragraph 33 was traversed on page 12 of Amendment B. The Office Action does not respond to that traversal. Nevertheless, the present Office Action repeats the allegation.

Page 5 of the June Office Action alleges that the subject matter of **claims 14 and 15** are disclosed by the depiction of item 408 in Fig. 4. These assertions were traversed near the top of page 13 of Applicants' Amendment B wherein it is pointed out that **claims 14 and 15** are related to sending invitations while reference numeral 408 is related to sending reminders or notifications that an already scheduled conference time is approaching. Amendment B also points out that **claim 14** recites sending a request for an alternative conference time proposal and **claim 15** recites sending a request that proposed conference times be ranked according to preference.

The present Office Action does not respond to these traversals. Nevertheless, the same allegations as to what is disclosed by item 408 of Fig. 4 of Henrikson are presented on page 6 of the present Office Action.

Page 7 of the June Office Action cites Fig. 2 and Fig. 4 in support of the assertion that Henrikson discloses the subject matter of **claim 22**. The same allegations are made on page 8 of the present Office Action. These allegations were traversed beginning at the bottom of page 13 of Amendment B, and the present Office Action offers no response to the substance of those arguments.

According to the June Office Action, item 216 of Fig. 2 of Henrikson allegedly discloses the subject matter of **claim 27**. This allegation was traversed in the second half of page 14 of Amendment B. Nevertheless, the same allegation is repeated at the bottom of page 10 of the present Office Action without responding to the substance of the arguments made in Amendment B.

Page 9 of the June Office Action relies on paragraph 223 of Henrikson for disclosure of the subject matter of **claim 28**.

However, beginning at the bottom of page 14 of Amendment B, the Applicants

pointed out that Henrikson only includes 36 paragraphs and requested clarification. Nevertheless, at the top of page 11 of the present Office Action, **claim 28** is again rejected in light of paragraph 223 of Henrikson.

In this regard, the Office is reminded that MPEP §706.07 indicates that before final rejection is in order, a clear issue should be developed between the Examiner and the Applicant. It is respectfully submitted that since the present Office Action does not respond to the traversals of the above-identified assertions, in the present case, no clear issues have been developed. Accordingly, the next Office Action should not be made final.

### **The Present Application**

By way of brief review, the present application is related to methods and systems that facilitate the establishment of a conference call. For example, such a method includes receiving a conference scheduling call from a conference call originator, receiving identification information regarding desired call participants from the conference call originator during the received conference scheduling call, receiving conference call parameter information from the conference call originator in the received conference scheduling call and sending invitations to the desired conference participants based on the identification information, the invitations including response requests.

For example, a communications network component such as a switch, switching center or network adjunct receives the conference scheduling call and the identification information and call parameters and sends the invitations to the desired conference participants (e.g., page 6, lines 23-26).

For example, as indicated in original **claims 13-15** (and elsewhere), sending invitations can include sending a menu of proposed conference times. Additionally, or alternatively, sending invitations can include sending a request for an alternative conference time proposal and/or sending a request that proposed conference times be ranked according to preference.

### **The Cited Documents**

The primary reference of the Office Action to Henrikson discloses a conference establishment server that coordinates the scheduling of a conference call (see Abstract). Preferably, according to the method of Henrikson, a conference call

request "is in the form of a webpage interface accessible by a user terminal or any other terminal device that couples to a multimedia communications system" (paragraph 23).

With regard to the various types of invitations discussed above with regard to the present application, the Office Action cites paragraph 26 and Fig. 4, item 408, of Henrikson.

However, the cited portions are directed toward a notification to conference participants that a conference is about to start. The present application makes clear distinctions between such notification or reminders (e.g., Fig. 1, 170) and invitations (e.g., 130 of Fig. 1). Instead of sending invitations, the system or method according to Henrikson checks participant availability 204 preferably by checking an electronic calendar associated with the participant (paragraph 23). Henrikson **does not disclose or suggest** sending a menu of proposed conference times, sending a request for alternative conference time proposals or sending a request that proposed conference times be ranked according to preference.

The newly cited reference to Fitser discusses methods and apparatus for automatically establishing a conference call to a preselected list of perspective participants to the conference call.

#### **The Claims Are Not Obvious**

**Claims 1-30** were rejected under 35 USC §103(a) as being unpatentable over Henrikson in view of Fitser.

In an effort to support the assertion that Henrikson discloses a method and system operative to facilitate the establishment of a conference call, the method comprising receiving a conference scheduling call from a conference call originator, the Office Action cites reference numeral 202 of Fig. 2 and paragraph 22 of Henrikson. However, as indicated in the previous amendment, clarification of this assertion is respectfully requested.

Additionally, **claim 1** has been amended and now recites: "sending invitations to the desired conference participants based on the identification information, the invitations including response requests, wherein sending invitations comprises at least one of: sending synthesized voice announcements to user equipment of the desired participants, sending a menu of proposed conference times, sending a request for an alternative conference time proposal and sending a request that

proposed conference times be ranked according to preference. It is respectfully submitted that the amendment to **claim 1** is supported throughout the specification including, for example, original **claims 12-15**. Accordingly, the amendment to **claim 1** does not require a new search. As indicated below and in the previous amendment, it is respectfully submitted that the portions of Henrikson cited against **claims 12-15** do not in fact disclose or suggest the subject matter now included in **claim 1**.

Additionally, it is respectfully submitted that Henrikson, even in combination with Fitser, does not disclose or suggest sending an invitation wherein sending an invitation comprises at least one of the aspects recited above.

For at least the foregoing reasons, **claim 1**, as well as **claims 2-18**, which depend therefrom, is not anticipated and is not obvious in light of Henrikson and Fitser.

Regarding **claim 3**, the Office Action cites paragraph 27. Clarification and identification of a specific portion of paragraph 27 that the Office characterizes as disclosure of receiving a conference editing call is again respectfully requested.

For at least the foregoing additional reasons, **claim 3** is not anticipated and is not obvious in light of Henrikson and Fitser.

With regard to **claim 9**, the Office Action cites paragraph 29 and item 408 of Fig. 4 of Henrikson.

However, paragraph 29 outlines a method for changing a pre-scheduled conference call wherein any time prior to the time set for the conference call, the conference establishment server may receive a request from a confirmed or unconfirmed participant to add or delete a confirmation (302). Item 408 of Fig. 4 depicts sending a notification that a conference time is approaching. Neither of the cited portions disclose or suggest receiving conference call parameter information comprises receiving at least one proposed conference call time. Clarification of the position of the Office is respectfully requested.

For at least the foregoing additional reasons, **claim 9** is not anticipated and is not obvious in light of Henrikson and Fitser.

With regard to **claim 10**, the Office Action cites paragraph 26, Fig. 2, item 210 and Fig. 4, item 408.

However, paragraph 26 indicates that if the conference establishment server determines a time and date at which the participants and resources are available for

a conference call, and the conferee participants are notified of the conference date and time and any additional information needed for set up of the conference call. In addition, confirmation of availability is requested by the conference establishment server. Preferably, the notification to the conference participants is conveyed via a text message, audio message, video message, interactive multi-media session or a combination of these automatically generated by the conference establishment server. Fig. 2, item 210, depicts notification of conference participants of a conference setup. Fig. 4, item 408, depicts a notification that conference time is approaching.

It is respectfully submitted that **none of the cited portions disclose or suggest** receiving conference call parameter information comprises receiving a purpose regarding the conference call. Clarification of the position of the Office is once again respectfully requested.

For at least the foregoing additional reasons, **claim 10** is not anticipated and is not obvious in light of Henrikson and Fitser.

With regard to **claim 12**, the Office Action cites paragraphs 23 and 33. However, paragraphs 23 and 33 do not disclose or suggest sending invitations includes sending synthesized voice announcements. Clarification of the position of the Office is respectfully requested.

With regard to **claim 13**, the Office Action cites paragraph 26.

However, as indicated above, paragraph 26 describes notifying participants of a conference date and time and requesting confirmation of availability. Paragraph 26 does not disclose or suggest sending invitations comprises sending a menu of proposed conference times. Clarification of the position of the Office is once again respectfully requested.

For at least the foregoing additional reasons, **claims 12 and 13** are not anticipated and are not obvious in light of Henrikson and Fitser.

With regard to **claims 14 and 15**, the Office Action only cites item 408 of Fig. 4. However, as indicated above, item 408 depicts notification of conference participants that a conference time is approaching and does not disclose or suggest sending invitations. Moreover, item 408 does not disclose or suggest that sending invitations comprises sending a request for an alternative conference time proposal, as recited in **claim 14** or that sending invitations comprises sending a request that proposed conference times be ranked according to preference, as is

recited in **claim 15**. Clarification of the position of the Office in this regard is once again respectfully requested.

For at least the foregoing additional reasons, **claims 14 and 15** are not anticipated and are not obvious in light of Henrikson and Fitser.

With regard to **claim 16**, the Office Action cites item 410 of Fig. 4. However, the cited figure element recites --critical confirmations received?--. As explained in paragraph 33, once the conference time approaches, a notification is sent to participants (408). For example, five minutes prior to a scheduled conference call, each participant may receive a notification via email, a text message, an audio message, a video message, an interactive multi-media session, or a combination of these to indicate that a conference call will begin in 5 minutes. Most preferably, the notification includes an option for at least critical participants to confirm availability for the approaching conference (410). It is respectfully submitted that nothing in this discussion of checking for confirmations discloses or suggests --attempting to schedule the conference call based on the received responses comprises searching for a proposed conference time acceptable to all the desired conference participants--. Cited step element 410 of Henrikson occurs after a conference has been scheduled and is merely a review of confirmations and does not disclose or suggest searching for an appropriate conference time as recited in **claim 16**.

For at least the foregoing additional reasons, **claim 16** is not anticipated and is not obvious in light of Henrikson and Fitser.

With regard to **claim 17**, the Office Action cites element 406 of Fig. 4 of Henrikson. Again, this element of the method of Henrikson occurs after a conference has been scheduled. As explained in paragraph 32, when the time for the conference call approaches 404, the conference establishment server does a preliminary check on the availability of participants and resources 406. It is respectfully submitted that discussion of this post-scheduling check does not disclose or suggest attempting to schedule a conference call based on the received responses comprises searching for a proposed conference time acceptable to a majority of the desired conference participants, as is recited in **claim 17**.

For at least the foregoing additional reasons, **claim 17** is not anticipated and is not obvious in light of Henrikson and Fitser.

With regard to **claim 18**, the Office again relies on item 410 of Fig. 4 of Henrikson. However, the depiction of --critical confirmations received?-- does not



disclose or suggest --attempting to schedule the conference call based on the received responses comprises searching for a proposed conference time acceptable to desired conference participants associated with a high priority--. Element 410 of Henrikson occurs after a conference has been scheduled.

For at least the foregoing additional reasons, **claim 18** is not anticipated and is not obvious in light of Henrikson and Fitser.

The Office Action cites Figs. 2 and 4 and paragraphs 22, 26, 27, and 34 in an effort to support the assertion that Henrikson discloses seven of the elements recited in **claim 19** and cites Fig. 2 and Fig. 4 more generally with regard to eight other elements of **claim 19**.

Among these assertions, is the assertion that Henrikson discloses receiving a conference scheduling call from a conference call originator. Clarification in this regard is respectfully requested.

Additionally, **claim 19** has been amended to recite *inter alia*: sending, from the MSC, invitations to the desired conference participants based on the identification information and conference call parameter information, the invitations including response requests wherein sending invitations comprises at least one of: sending synthesized voice announcements to user equipment of the desired participants, sending a menu of proposed conference times, sending a request for an alternative conference time proposal and sending a request that proposed conference times be ranked according to preference. As indicated above, with regard to **claim 1**, it is respectfully submitted that the amendment to **claim 19** is supported throughout the specification, including, for example, original **claims 12-15**.

Additionally, for the reasons submitted above with regard to **claims 12-15**, Henrikson and Fitser do not disclose or suggest at least this subject matter now recited in **claim 19**.

For at least the foregoing reasons, **claim 19**, as well as **claims 20-22**, which depend therefrom, is not anticipated and is not obvious.

In regard to the recitation in **claim 23** of a set of conference parameters including at least one proposed conference time, the Office Action cites paragraph 22. However, clarification in this regard is once again respectfully requested.

Additionally, **claim 23** has been amended to recite *inter alia*: an invitation generator operative to receive conference information collected from the conference request interface and generate invitations...the invitations further including at least

one of: a synthesized voice announcement to user equipment of the desired participants, a menu of proposed conference times, a request for an alternative conference time proposal and a request that proposed conference times be ranked according to preference. It is respectfully submitted that the amendment to **claim 23** is supported throughout the specification including, for example, original **claims 12-15**. Additionally, for the reasons given above with regard to **claims 1** and **12-15**, Henrikson and Fitser do not disclose or suggest this subject matter now included in **claim 23**.

For at least the foregoing reasons, **claim 23**, as well as **claims 24-29**, which depend therefrom, is not anticipated and is not obvious in light of Henrikson and Fitser.

**Claim 27** recites wherein the invitation generator is further operative to generate invitations including a request for an alternate proposed conference time. In this regard, the Office Action cites reference numeral 216 of Fig. 2.

However, reference numeral 216 identifies --tentatively scheduled conference--. In this regard, paragraph 27 indicates that a time out override option permits tentative scheduling of the conference call without undue delay in spite of lack of critical confirmation. If there is a time out override option, then when the time out period expires, the conference is tentatively scheduled, even though critical participants may not be confirmed (216). It is respectfully submitted that reference numeral 216 does not disclose the generation of invitations including a request for an alternate proposed conference time. Clarification of the assertions of the Office is respectfully requested.

For at least the foregoing additional reasons, **claim 27** is not anticipated by Henrikson.

With regard to the recitation of means for receiving a conference scheduling call from a conference call originator in **claim 30**, the Office Action cites Fig. 2, item 202. However, Fig. 2 is a flowchart illustrating a method for scheduling multimedia conference services (paragraph 10) and depicts the entering of a conference call request including critical information. It is respectfully submitted that Fig. 2, item 202, does not disclose a means for receiving a conference scheduling call. Moreover, it is respectfully submitted that Fig. 2, item 202, does not disclose the same means for receiving a conference scheduling call as disclosed in the present application.

Additionally, with regard to the recitation of means for receiving identification information, the Office Action cites item 204 of Fig. 2. However, the cited portion of Fig. 2 recites --check participant and resource availability according to request--. It is respectfully submitted that this element of Fig. 2 does not disclose or suggest means for receiving identification information regarding desired conference call participants from the conference call originator in the received scheduling call, as recited in **claim 30**.

Additionally, **claim 30** has been amended and now recites *inter alia*: means for sending invitations to the desired conference participants...wherein sending invitations comprises at least one of: sending synthesized voice announcement to user equipment of the desired participants, sending a menu of proposed conference times, sending a request for an alternative conference time proposal and sending a request that proposed conference times be ranked according to preference.

It is respectfully submitted that support for this amendment to **claim 30** is found throughout the specification, including, for example, original **claims 12-15**. Additionally, for the reasons given above with regard to **claim 1** and **claims 12-15**, it is respectfully submitted that Henrikson and Fitser do not disclose or suggest this subject matter now recited in **claim 30**.

For at least the foregoing reasons, **claim 30** is not anticipated and is not obvious in light of Henrikson and Fitser.

#### **Telephone Interview**

In the interests of advancing this application to issue, the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

**CONCLUSION**

Claims 1-30 remain in the application, claims 1, 19, 23 and 30 have been amended. For at least the foregoing reasons, the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

Fay Sharpe LLP

March 24, 2009  
Date

Joseph D. Dreher  
Joseph D. Dreher, Reg. No. 37,123  
Thomas Tillander, Reg. No. 47,334  
1100 Superior Avenue  
Seventh Floor  
Cleveland, Ohio 44114-2579  
216-861-5582

**CERTIFICATE OF MAILING OR TRANSMISSION**

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☐ deposited with the United States Postal Service as First Class mail, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☒ transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.

Express Mail Label No.:	Signature <u>Mary Ann Temesvari</u>
Date <u>March 24, 2009</u>	Printed Name Mary Ann Temesvari